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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,450	03/27/2001	Noboru Yamakawa	70088	1807
23872	7590	09/23/2004		
MCGLEW & TUTTLE, PC 1 SCARBOROUGH STATION PLAZA SCARBOROUGH, NY 10510-0827			EXAMINER MERLINO, AMANDA H	
			ART UNIT 2877	PAPER NUMBER

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/818,450	Applicant(s) YAMAKAWA ET AL.	
	Examiner Amanda H Merlino	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/18/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***Drawings***

Figures 7, 9A, 9B, and 9C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Abstract***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the **abstract not exceed 150 words** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Specification***

The disclosure is objected to because of the following informalities: the specification improperly makes reference to claims to describe the invention (for example, line 23 on page 3), applicant is advised to delete all reference to claims and incorporate the claims by rewriting them in the specification. Appropriate correction is required.

### ***Claim Objections***

Claim 6 objected to because of the following informalities:

a) on the second to last line in claim 6, there should be a space between "semi-sphereassociated" to read "semi-sphere associated".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamaji et al (4,583,861).

Yamaji et al teach of a sensor head according to figure 1 comprising photosensing means (11-i) for receiving luminous light from a light source (6) and converting the light received into an electric signal indicative of the distribution of the luminance of the light source wherein said photosensing means comprising a plurality of linear sensors each having a light receiving face and arranged in the direction of the axis of a semi-cylindrical surface.

Claims 2-3 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lebling et al (5,483, 858).

Lebling et al teach of a sensor head in accordance with figure 4 comprising photosensing means (10, 11, 12) for receiving luminous light and transforming light received into an electric signal wherein the light emitted from a linear arrangement of light sources into different radial directions perpendicular to linear light sources.

With reference to claim 3, Lebling et al teach of light being emitted from the light source placed at the center of an imaginary sphere into different radial directions.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over applicants own admission to prior art in accordance with figures 7 and 9C and pages 1 and 2 of the specification of an apparatus for inspecting unevenness in angular

distribution of luminance comprising an image sensor head (2), a means for moving the sensor along a circular orbit, a data processing unit which stores, processes, inspects and displays the results to the inspection on a display device 11.

Applicants own admission of prior art lacks the teaching a plurality of sensors arranged in the direction of the axis of a semi-cylindrical surface.

Yamaji et al teach of a plurality of sensors arranged in the direction of the axis of a semi-cylindrical surface.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement a plurality of sensor along the direction of the axis of an imaginary-cylindrical surface as taught by Yamaji in order to make simultaneous measurements instead of moving the sensor and making one measurement at a time. This would allow for a quicker and more accurate apparatus since the measurements are taken simultaneously and require less movement of the optical elements (sensors and or object to be measured).

Claims 5-6 and 8-9 rejected under 35 U.S.C. 103(a) as being unpatentable over applicants own admission to prior art in accordance with figures 7 and 9C and pages 1 and 2 of the specification of an apparatus for inspecting unevenness in angular distribution of luminance comprising an image sensor head (2), a means for moving the sensor along a circular orbit, a data processing unit which stores, processes, inspects and displays the results to the inspection on a display device 11.

Applicants own admission of prior art lacks the teaching the light being emitted from the light source placed at the center of an imaginary sphere into different radial directions.

Lebling et al teach of light being emitted from the light source placed at the center of an imaginary sphere into different radial directions (figures 3 and 4).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the teachings of Lebling of having light emitted from the light source placed at the center of the imaginary sphere into different radial directions in order to make simultaneous measurements instead of moving the sensor and making one measurement at a time. This would allow for a quicker and more accurate apparatus since the measurements are taken simultaneously and require less movement of the optical elements (sensors and or object to be measured).

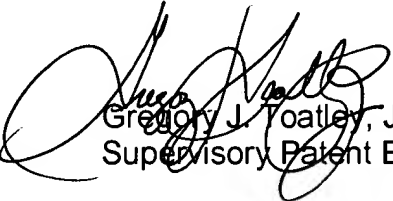
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda H Merlino whose telephone number is 571-272-2421. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J Toatley, Jr. can be reached on 571-272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amanda H Merlino *oh*  
Patent Examiner  
Art Unit 2877  
September 16, 2004

  
Gregory J. Toatley, Jr. SPE 2877  
Supervisory Patent Examiner